

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *CG* D.C.
05 NOV -3 PM 2:31

VERONICA M. AKINES, ET AL.,
Plaintiffs,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TENNESSEE

- vs -

No. 02-2483-B/A

SHELBY COUNTY GOVERNMENT
(Shelby County Correctional Center),
Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO DETERMINE
A REASONABLE EXPERT FEE PURSUANT TO RULE 26(b)(4)(C)

Defendant Shelby County has moved the Court to determine a reasonable fee to be paid to R. Paul McCauley, Ph.D., Plaintiffs' expert, for the time he spends testifying at his discovery deposition.

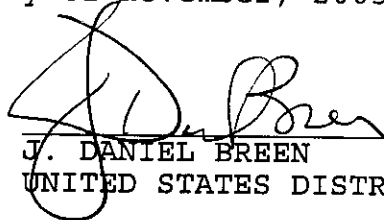
The parties have agreed on the date and time and the manner in which Dr. McCauley's deposition will be taken.

Because it is undisputed that he is charging the Plaintiffs \$250 an hour for his time prior to trial, the Court finds that the same rate, \$250 an hour, is a reasonable fee under Fed.R.Civ.P. 26(b)(4)(C) for the time Dr. McCauley actually spends testifying at his discovery deposition conducted by Defendant's attorney. In the event his testimony goes over six hours, Defendant should pay Dr. McCauley at the rate of \$300 an hour for any time he actually spends testifying over six hours.

The Court further finds that because the opinion portion of Dr. McCauley's written report is only eleven pages, and because

his deposition is occurring less than seven weeks after he prepared the report, Defendant should pay him at the rate of \$250 an hour for up to, but not exceeding, one hour for the time he spends preparing for his deposition.

SO ORDERED this 31 day of November, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 147 in case 2:02-CV-02483 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

Kathleen L. Caldwell
LAW OFFICE OF KATHLEEN L. CALDWELL
2080 Peabody Ave.
Memphis, TN 38104

Glenwood Paris Roane
LAW OFFICE OF GLENWOOD P. ROANE, SR.
217 Exchange Ave.
Memphis, TN 38105--350

Hite McLean
LAW OFFICES OF HITE MCLEAN, JR.
2670 Union Avenue Extended
Ste. 1228
Memphis, TN 38112--441

Honorable J. Breen
US DISTRICT COURT